

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X

EMILIANO ERMINI,

Petitioner,

-v-

No. 12 Civ. 6100 (LTS)

VIVIANA VITTORI,

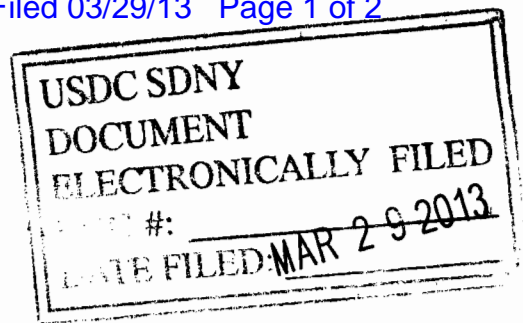
Respondent.

-----X

ORDER

As there was no evidence presented at trial on the provisions of the Italian law that would govern a custody determination, the Court intends to take judicial notice of Title IV, Italian Civil Code of Law, Art. 316 (“[a] child is subject to the authority of its parents until majority . . . or emancipation. The authority is exercised by both parents by mutual agreement”) and Title IV, Italian Civil Code of Law, Art. 144 (“[t]he spouses agree between them the pattern of family life and fix the residence of the family according to the requirements of both and to those prevailing for the family. Each of the spouses has the authority to implement the agreed pattern”). See Armiliato v. Zaric-Armiliato, 169 F. Supp. 2d 230, 240 (S.D.N.Y. 2001). The Court is authorized to take judicial notice of such laws under the Hague Convention on the Civil Aspects of International Child Abduction, Article 14, which states:

In ascertaining whether there has been a wrongful removal or retention within the meaning of Article 3, the judicial or administrative authorities of the requested State may take notice directly of the law of, and of judicial or administrative decisions, formally recognized or not in the State of the habitual residence of the child, without recourse to the specific procedures for the proof of that law or for the recognition of foreign decisions which would otherwise be



applicable.

Any objection to the Court taking notice of the aforementioned Italian Statutes must be filed on the ECF system by **Friday, April, 12, 2013, at 5:00 p.m.** Courtesy copies must be provided for Chambers.

SO ORDERED.

Dated: New York, New York
March 29, 2013



LAURA TAYLOR SWAIN
United States District Judge